

Appendix A

IDEM's Definition of Pollution Prevention

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT NONRULE POLICY DOCUMENT

Brief Description of Subject Matter:

Definition of pollution prevention to be consistent with IC 13-11-2-166

Citations Affected: IC 13-11-2-166

This nonrule policy document is intended solely as guidance and does not have the effect of law or represent formal Indiana Department of Environmental Management decisions or final actions. This nonrule policy document will be used in conjunction with applicable laws. It does not replace applicable laws, and if it conflicts with these laws, the laws shall control. A revision of this nonrule policy document may be put into effect by IDEM once the revised nonrule policy document is made available for public inspection and copying. IDEM will submit revisions to the Indiana Register for publication.

Background

The Indiana General Assembly and Governor Frank O'Bannon established IC 13-11-2-166, under SEA 319, 1997, which revised the 1990 Industrial Pollution Prevention and Safe Materials Act. IC 13-11-2-166 defines "pollution prevention, for purposes of this title, to mean pollution prevention defined by the United States Environmental Protection Agency under:

- (1) The federal Pollution Prevention Act (42 USC 13101 et seq.); and
- (2) The United States Environmental Protection Agency (EPA) pollution prevention policy statement (June 15, 1993), as amended."

In reviewing the federal Pollution Prevention Act of 1990 (42 USC 13101 et. seq.), IDEM found no definition of pollution prevention in the act. The act establishes an environmental protection hierarchy and programs to promote pollution prevention but it does not define it.

In reviewing the EPA pollution prevention policy statement dated June 15, 1993, IDEM noted that it incorporated by reference a May 28, 1992, EPA guidance document. IDEM staff considered both documents and discussed both with EPA pollution prevention staff to clarify minor ambiguities in the documents.

From those documents and discussions IDEM has derived the following interpretation of the definition of pollution prevention as it is amended in IC 13-11-2-166.

Pollution prevention means:

1. "Source reduction," as defined under the Pollution Prevention Act, and
2. Other practices that reduce or eliminate the creation of pollutants through:
 - a. Increased efficiency in the use of raw materials, energy, water, or other resources, or
 - b. Protection of natural resources by conservation.

Source reduction, as defined under the Pollution Prevention Act, means any practice which:

1. Reduces the amount of any hazardous substance, pollutant, or contaminant entering any waste stream, or otherwise released into the environment (including fugitive emissions) prior to recycling, treatment, or disposal, and
2. Reduces the hazards to public health and the environment associated with the release of such substances, pollutants, or contaminants.

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Pollution prevention may include:

1. Equipment or technology modifications,
2. Process or procedure modifications,
3. Reformulation or redesign of products,
4. Substitution of raw materials, and
5. Improvements in housekeeping, maintenance, training, or inventory control.

Pollution prevention does not include:

1. Recycling,
2. Energy recovery,
3. Treatment, or
4. Disposal

Some practices commonly described as “in-process recycling” may qualify as pollution prevention. Recycling that is conducted in an environmentally sound manner shares many of the advantages of prevention—it can reduce the need for treatment or disposal, and conserve energy and resources.

Pollution prevention approaches can be applied to all pollution-generating activity, including those found in the energy, agriculture, government, consumer, as well as industrial sectors.

Pollution prevention decreases the risk that workers and others will be exposed to at various stages of the process, while also reducing the risk of both accidents and environmental harm.

Pollution prevention does not include practices that create new risks to human health or the environment.

In the agricultural sector, pollution prevention approaches include:

1. Reducing the use of water and chemical inputs;
2. Adoption of less environmentally harmful pesticides or cultivation of crop strains with natural resistance to pests; and
3. Protection of sensitive areas.

In the energy sector, pollution prevention can reduce environmental damages from extraction, processing, transport, and combustion of fuels. Pollution prevention approaches include:

1. Increasing efficiency in energy use;
2. Substituting environmentally benign fuel sources; and
3. Design changes that reduce the demand for energy.

Pollution prevention does not include any practice:

1. Which alters the physical, chemical, or biological characteristics or the volume of a hazardous substance, pollutant, or contaminant, through a process or activity,
2. Which itself is not integral to and necessary for the production of a product or the providing of a service.”

IDEM will apply this definition on a case-by-case basis. In reaching a decision IDEM will consult with EPA and the Indiana Clean Manufacturing Technology and Safe Materials Institute. IDEM will also refer to:

- ! David J. Kling, Director, EPA, Pollution Prevention Division, February 17, 1995, memo to OPPTS Toxics Branch Chiefs on the agency definition of pollution prevention, and
- ! William H. Sanders III, Director, EPA, Office of Pollution Prevention and Toxics, April 8, 1995, letter to Dr. Lynn Corson, Director, Indiana Clean Manufacturing and Safe Materials Institute, on EPA’s distinction between pollution prevention and recycling.

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